



GRIC

Foundations for Prosecution Conference

October 19 – 23, 2020
Virtual Via Zoom

FROM MISDEMEANOR TO FELONY: BUILDING CASES

Presented by:

ANGELA ANDREWS
Deputy Maricopa County Attorney

Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
3838 N. Central Ave., Ste. 850
Phoenix, Arizona 85012

ELIZABETH BURTON ORTIZ
EXECUTIVE DIRECTOR

BUILDING A CASE FROM A MISDEMEANOR TO A FELONY

Angela “Angel” Andrews

Maricopa County Attorney’s office

FACTORS TO CONSIDER WHEN DECIDING FELONY VS. MISDEMEANOR

1. Jury Vs. Bench Trial
2. Possible Penalty
3. Elements
4. Statute of Limitations

PRIVATE HOME:

Can be assault victim's home
or someone else's home

OOP

Need a copy of the OOP,
Notice of Service and make
sure the OOP wasn't
quashed

DANGEROUS INSTRUMENT

CO2 Powered guns

Aggravated Assault

GRIC 5.603

Enter Private Home

OOP in place

**Deadly Weapon or
Dangerous Instrument**

Medical records likely
necessary

Victim signs a HIPPA form

Victim testimony may be
sufficient for a fracture

Broken teeth?

Concussion?

Aggravated Assault

GRIC 5.603

Serious Physical Injury

Fracture

**Temporary but Substantial
Disfigurement**

**Temporary but substantial loss or
impairment of any body part**

ADULT ON MINOR

Defendant 18 or older

Victim Minor 15 and younger.

Is Child Abuse a better
charge?

FIRE PERSONNEL, EMT AND
PARAMEDIC

Not always clear from
the police report

Aggravated Assault

GRIC 5.603

Adult on Minor 18/15

Law enforcement

Fire Fighter

Fire Inspector

EMT

Paramedic

Teacher

HEALTHCARE PROFESSIONAL

Not always clear
what their role is

SMI and Alzheimer's
disease exception

IMPRISONED DEFENDANT

Need to know where
he/she was imprisoned

Aggravated Assault Healthcare Professional

Prosecutor

**Code Enforcement
Public Defender**

**Law Enforcement Agency
while Imprisoned**

AGGRAVATED BURGLARY

VS.

BURGLARY

...intent to commit a
theft or felony therein
vs intent to commit an
offense inside

Aggravated Burglary 5.903



FELONY THEFT

Value of \$1,000
or more

May aggregate
amounts

Value estimate

Cemetery, place
of worship regardless
of value

Theft
5.905

FELONY THEFT BY EXTORTION

5.912

THREAT TO:

Cause injury

Cause damage

Accuse of crime

Expose a secret

Public servant

Take or withhold
action

Cause anyone to part
with property

WATCH FOR AFFIRMATIVE
DEFENSES

Theft 5.905



FELONY CRIMINAL DAMAGE

Damage of
\$1,000 or more

May aggregate
amounts

Written damage
estimate

Criminal Damage 5.908



FELONY ARSON

5.909 B

A structure

An occupied structure

Property value over \$100

Occupied prison or jail facility

Arson

5.909



FELONY FRAUD

Payment exceeds or
difference between
value exceeds \$100
in any consecutive 6
month period

**FRAUD BY A PERSON
AUTHORIZED TO PROVIDE
GOOD OR SERVICES
5.1102**

FELONY FRAUD

Value is \$250 or
more in any
consecutive 6-month
period

FRAUDULENT USE OF A CREDIT CARD

5.1104

PRIOR CONTROLLED
SUBSTANCE ABUSE
CONVICTION

5.1201D

Certified prior
convictions

**Possession, Use or
Manufacture of Controlled
Substances
5.1201**

In any case in which a weapon is involved you may want to consider MIW as a possible charge.

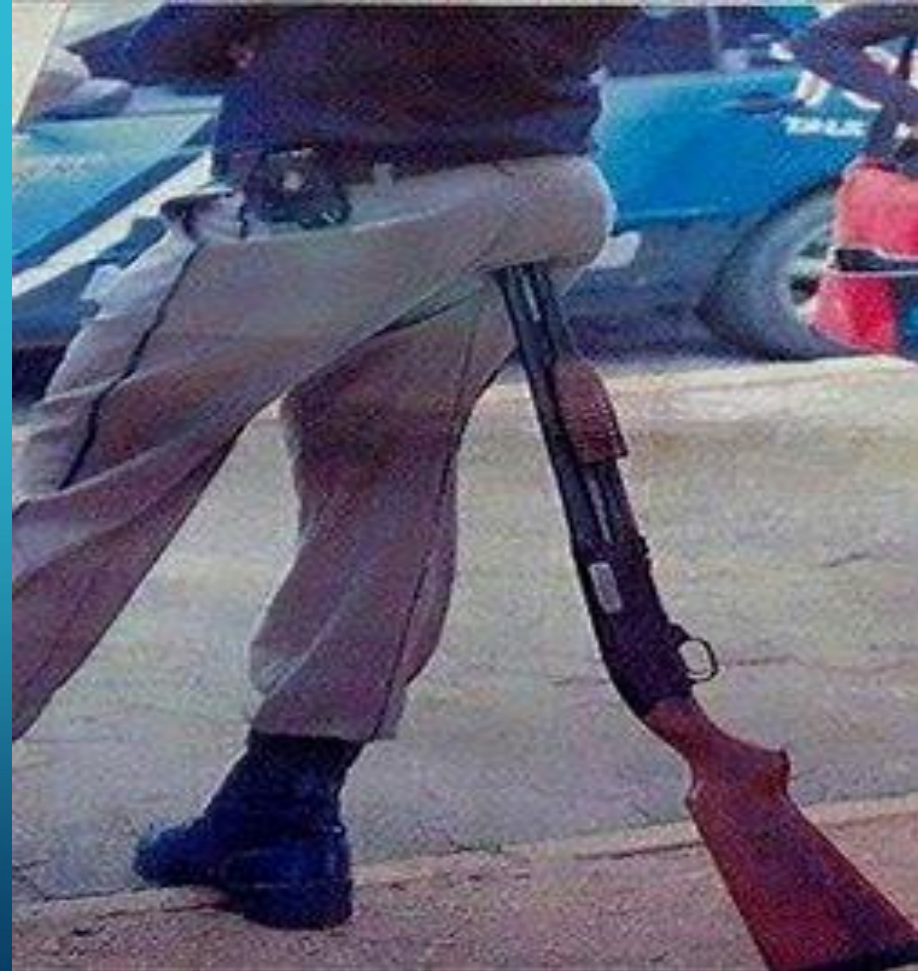
Prohibited Possessor:

Certified Prior

Civil Rights verification

Operable weapon

Misconduct Involving Weapons 5.1301



36 months after
discovery of offense
except no SOL for:

Homicide

Tampering Public
Record

Felony, forgery, fraud

Misuse of community
monies

STATUTE OF LIMITATIONS

No SOL if identity of person
unknown:

Homicide

Agg assault SPI or Weapon

Sexual Assault

Arson occupied

Burglary/Aggravated

Kidnapping

Sexual Conduct with Minor

Certain offenses committed
against minors (h)

STATUTE OF LIMITATIONS

5.103

IN SUMMARY:

Ask yourself what
do I need to know to
file this as a felony?

Value or damage estimate

Certified priors

Medical Records

Prohibited Possessor status

Age of participants

Status of victim

QUESTIONS??



Angela “Angel” Andrews

Maricopa County

Attorney’s Office

andrews@mcao.maricopa.gov

602-506-1145